

University of Groningen

Abilities and the Sources of Unfreedom

Schmidt, Andreas

Published in:
Ethics

DOI:
[10.1086/687335](https://doi.org/10.1086/687335)

IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.

Document Version
Publisher's PDF, also known as Version of record

Publication date:
2016

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):
Schmidt, A. (2016). Abilities and the Sources of Unfreedom. *Ethics*, 127(1), 179–207.
<https://doi.org/10.1086/687335>

Copyright

Other than for strictly personal use, it is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), unless the work is under an open content license (like Creative Commons).

The publication may also be distributed here under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license. More information can be found on the University of Groningen website: <https://www.rug.nl/library/open-access/self-archiving-pure/taverne-amendment>.

Take-down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Downloaded from the University of Groningen/UMCG research database (Pure): <http://www.rug.nl/research/portal>. For technical reasons the number of authors shown on this cover page is limited to 10 maximum.

Abilities and the Sources of Unfreedom*

Andreas T. Schmidt

What distinguishes constraints on our actions that make us unfree (in the socio-political sense) from those that make us merely unable? I provide a new account: roughly, a constraint makes a person unfree, if and only if, first, someone else was morally responsible for the constraint and, second, it impedes an ability the person would have in the best available distribution of abilities. This new account is shown to overcome shortcomings of existing proposals. Moreover, by linking its account of unfreedom to distributions of abilities, it offers an attractive combination of so-called positive and negative views of freedom.

I. INTRODUCTION

Many factors constrain what we are able to do. For example, because of physical constraints, I am unable to run one hundred meters in under ten seconds. I am also unable to remember the first fifty thousand digits of π given my cognitive limitations. Among all possible constraints on our ability, however, one class seems of particular importance. As Isaiah Berlin writes: “You lack political liberty or freedom only if you are prevented from attaining a goal by other human beings. Mere incapacity to attain a goal is not lack of political freedom.”¹ The distinction between inability (or ‘mere incapacity’) and unfreedom is of not only theoretical but, as David Miller observes, also normative importance: “to describe a state of affairs as involving unfreedom is to . . . make a move in a political argument. There is no such presumption in cases of inability which are not also describable as cases of unfreedom. . . . The fact that millions of men are unable to fly to the moon moves us not at all.”² In many cases,

* I am very grateful for the detailed and insightful comments I received from David Miller, John Broome, Ian Carter, Lucas Stanczyk, Nicholas Vrousalis, Hasko von Kriegstein, Ronen Shnayderman, Luara Ferracioli, Pietro Intropi, two anonymous reviewers, and the editors of *Ethics*. I should also thank members of the Nuffield Political Theory Workshop, Zosia Stemplowska, François Hudon, Harvey Lederman, Lucia Rafanelli, the Questing Voles, and Louis-Philippe Hodgson for helpful discussions.

1. Isaiah Berlin, “Two Concepts of Liberty,” in *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), 118–72, 122.

2. David Miller, “Constraints on Freedom,” *Ethics* 94 (1983): 66–86, 69.

Ethics 127 (October 2016): 179–207

© 2016 by The University of Chicago. All rights reserved. 0014-1704/2016/12701-0008\$10.00

it is contested whether we should speak of inability or unfreedom. For example, is a poor person's lack of health care a constraint on her freedom? Is it a case of unfreedom, if a person with physical disabilities is not given enough support to be able to fully partake in social life? Apart from such specific questions, there is the more general question as to which political, social, and economic system grants people the most freedom.

It is commonly thought that to answer these and other important questions, requires, among other things, a criterion with which to distinguish obstacles that count as sources of unfreedom from those which are mere inability. In this article, I first discuss existing proposals for such a criterion. After outlining some of their shortcomings, I then provide a new view—the Distributive View—whose main idea is this: an obstacle y makes a person A unfree as opposed to merely unable to φ , if and only if there is (at least) one other person who is morally responsible for imposing or not removing y or for not preventing y 's creation, y impedes A from φ -ing, and A would have the ability to φ in the best available distribution of abilities.

What follows is structured in three parts. Section II features a discussion of some existing proposals to distinguish unfreedom from inability. In Sections III and IV, I introduce my new criterion to draw said distinction. In Section V, I present advantages of this proposal and defuse possible objections.

II. ALTERNATIVE VIEWS

Before starting, two clarifications are in order. First, Charles Taylor distinguishes between freedom as an opportunity concept and freedom as an exercise concept.³ The former is about social freedom conceptualized on the basis of a person's range of opportunities. The latter is about whether a person's decisions, acts, and attitudes and maybe her entire way of being are free. I will not discuss freedom as an exercise concept here. Instead, I will be exclusively concerned with freedom as an opportunity concept (or freedom in the 'sociopolitical' sense).

Second, I will here only discuss of what *source* an obstacle needs to be to count as an unfreedom-producing constraint. Apart from its source, we might also be interested in an obstacle's *strength*. Some think that unfreedom-producing constraints necessarily make an action impossible. Others hold that it is enough if a constraint makes an act more difficult. I remain neutral on this point. I assume the impossibility view in some examples to keep things simple.⁴ When stating the different prin-

3. See Charles Taylor, "What's Wrong with Negative Liberty," in *The Idea of Freedom*, ed. Alan Ryan (Oxford: Oxford University Press, 1979), 175–93.

4. See Hillel Steiner, "Individual Liberty," *Proceedings of the Aristotelian Society* 75 (1974): 33–50; Miller, "Constraints on Freedom"; Kristján Kristjánsson, *Social Freedom: The Respon-*

ciples, I will say that a constraint ‘impedes another person from doing something’. This deliberately ambiguous wording allows for different views on the impossibility/difficulty issue.

I will now discuss existing theories. The aim is not to present defeating critiques. Rather, I will give a brief overview of the debate, offer some *prima facie* objections to more recent proposals, and, by doing so, set the stage for my own view.

A. *Intentions and Causality*

Sources of unfreedoms are typically considered ‘man-made’ or ‘interpersonal’. If someone locks me into her basement, for example, I am subjected to a constraint imposed by another person. Compare this with mere inabilities: the constraints that make me unable to fly to Mars or unable to run one hundred meters in under ten seconds do not seem attributable to another person. Unfreedom is typically considered a social relation, and distinguishing it from mere inability is supposed to capture that.

The first suggestion to characterize unfreedom invokes intentionality:

THE INTENTION VIEW: y is an unfreedom-producing constraint on person A ’s freedom to φ , if and only if (i) y impedes A from φ -ing and (ii) there is at least one person other than A who intentionally imposed y .⁵

I use the formulation ‘at least one person’ to allow for the possibility of collective agents imposing unfreedom-producing constraints.⁶ For simplicity, I drop the ‘other than A ’ in the formulations that follow.

It is usually objected that the Intention View is too narrow. Sometimes people will impose constraints—or fail to prevent them—unintentionally but negligently. For example:

Closed Door: I am in my room and the wind blows the door shut (which can only be opened from the outside). The janitor who is responsible for checking the door around that time went on a private errand and forgot about his duties.

sibility View (Cambridge: Cambridge University Press, 1996); Ian Carter, *A Measure of Freedom* (Oxford: Oxford University Press, 1999) for more on this question.

5. Theorists who have adopted the Intention View are F. A. Hayek, *The Constitution of Liberty* (Oxford: Routledge, 1960); and J. P. Day, “Is the Concept of Freedom Essentially Contestable?” *Philosophy* 61 (1986): 116–23, 117.

6. Matthew Braham, “Measuring Specific Freedom,” *Economics and Philosophy* 22 (2006): 317–33, 322.

Despite the lack of intention, one might say that I am nonetheless unfree to leave the room.⁷

Alternatively, we could widen our criterion by focusing on causal responsibility:

THE WIDE CAUSAL VIEW: y is an unfreedom-producing constraint on A 's freedom to φ , if and only if (i) y impedes A from φ -ing and (ii) there is at least one person whose action(s) or omission(s) is (are) causally responsible for y .

However, the Wide Causal View is too wide. Because it includes omissions as sources of unfreedom, it would label too many inabilityes as unfreedoms. For a vast number of ability constraints could be removed through a societal effort. For example, if society pooled all its resources, I could live in a golden castle. But it seems absurd to say that the omission of providing me with a golden castle makes me unfree.

Matthew Kramer, a proponent of the Causal View, thus excludes omissions as possible sources of unfreedom. Instead, he only allows causes which are either actions or dispositions to act:⁸

THE NARROW CAUSAL VIEW: y is an unfreedom-producing constraint on A 's freedom to φ , if and only if (i) y impedes A from φ -ing and (ii) there is at least one person whose action(s) or disposition(s) to perform actions is (are) causally responsible for y .

Critics of this view, however, hold that the Narrow Causal View is still too wide. Long causal chains will include human influences in the long distant past. For example:

Roaming: I am walking on the Piazza del Colosseo in Rome on a rainy autumn day. A wet leaf falls from a tree to the ground. On its way it is deflected by the coliseum so that it changes its course and lands right under my foot. I slip over the leaf and break my leg.

The Narrow Causal View would say that the people who built the coliseum made me unfree. However, this might strike some as counterintuitive, as the causal contribution seems too insignificant to count as an unfreedom-producing constraint. Moreover, we expect our account to flesh out the pretheoretic idea that freedom is a type of social relation. It

7. See Miller, "Constraints on Freedom," 71. Kristjánsson presents similar arguments; see Kristjánsson, *Social Freedom*, 23.

8. See Matthew H. Kramer, *The Quality of Freedom* (Oxford: Oxford University Press, 2003), chap. 4.

seems surprising that such an account should cover relations between me and Roman builders or other humans in ancient or prehistoric times.⁹

Ronen Shnayderman presents an objection to Kramer's position intended to go beyond intuition. He argues that Kramer's account is so expansive in its classification of unfreedoms that it does not do well by some of Kramer's own standards. Specifically, when Kramer defends the exclusion of omissions as possible sources of unfreedom, he argues that doing so is necessary to avoid that all instances of self-inflicted inabilities and mere inabilities imposed by natural forces are considered unfreedoms.¹⁰ Shnayderman now argues that Kramer's own account of unfreedom would shrink the range of inabilities classified as self-inflicted or as merely natural inabilities "almost to vanishing point": "virtually every self-inflicted (as well as natural) inability is caused, in part, by someone else's action. One's cutting one's finger while making a salad is caused, in part, by other people manufacturing knives; one's stroke after a transatlantic flight is caused, in part, by other people flying planes . . . and so on and so forth."¹¹ Therefore, if one of Kramer's goals is to account for our pretheoretic notions of self-inflicted and merely natural inabilities, his own criterion does not do too well by some of his own standards.

B. Moral Responsibility

Miller argues that instead of causal responsibility we should invoke moral responsibility. Accordingly, an obstacle *y* is an unfreedom-producing constraint, only if there is at least one person who is morally responsible for *y*.¹²

Miller suggests a disjunctive analysis of moral responsibility. Either a person is morally responsible for an obstacle *y* because she intentionally or negligently acted in a way that caused *y*. Or she is morally responsible for *y* because she had a *prima facie* moral obligation to remove *y* or prevent its creation.¹³ *Prima facie* obligations are moral obligations overridable by other stronger moral considerations.

9. Also see Miller's critical discussion and Kramer's response in David Miller, "Reply to Oppenheim," *Ethics* 95 (1985): 310–14; Kramer, *The Quality of Freedom*, 338–40. Kramer might also respond that we have to rely on counterfactual speculation in examples such as Roaming. Moreover, Kramer advocates including probabilistic qualifications for combinations of specific freedoms and unfreedoms (see *ibid.*, 174–78, 418–20). He could then hold that because the causal relationship is so speculative, the remoteness of the relationship between Roman builders and me might be reflected in a low probability ascribed to my unfreedom in this case.

10. See Kramer, *The Quality of Freedom*, 351–53.

11. Ronen Shnayderman, "Social Freedom, Moral Responsibility, Actions and Omissions," *Philosophical Quarterly* 63 (2013): 716–39, 724.

12. See Miller, "Constraints on Freedom"; Kristjánsson, *Social Freedom*.

13. See Miller, "Constraints on Freedom," 72.

THE OBLIGATION VIEW: y is an unfreedom-producing constraint on A 's freedom to φ , if and only if (i) y impedes A from φ -ing and (ii) there is at least one person who either imposed y intentionally or negligently or who has a prima facie moral obligation to remove y or prevent its creation.

The Obligation View includes omissions as possible sources of unfreedom and thus deals with Closed Door. Moreover, it does not classify remote causal influences as sources of unfreedom and thus deals with Roaming.

However, Miller is aware—and accepts—that specifying the conditions under which a person has a prima facie obligation opens up the conceptual debate to “a wide field for controversy.”¹⁴ What one believes to be prima facie obligations often depends on the kind of normative political theory one accepts. For example, radical libertarians and egalitarians will strongly disagree about, say, our prima facie obligations to assist poor people. Accordingly, some of that moral disagreement will carry over to a disagreement about unfreedom.

Shnayderman has recently defended a new version of the Moral Responsibility View meant to avoid such moral disagreement.¹⁵ Drawing on Philip Pettit's work, Shnayderman invokes a more abstract and pragmatic account of moral responsibility. Someone is morally responsible for an act, when it is appropriate to apportion blame for that act in case that action is seen as bad and praise in case it is seen as good (blame and praise being shorthand for a range of reactive attitudes including gratitude, resentment, etc.). It is not necessary that an act is actually seen as bad or good or that the person doing it has any prima facie obligation to act a certain way.¹⁶ Shnayderman writes that whether someone is appropriately considered an object of praise or blame “is written, as Pettit puts it, into the architecture of our psychology, into some of our most basic reactions to one another as well as to ourselves, such as the resentment we feel towards someone who harms us, the gratitude we feel towards someone who benefits us.”¹⁷ Shnayderman now limits possible sources of unfreedom to acts and excludes omissions to avoid false positives. For example, if we included omissions, then our inability to fly to Mars would be considered an unfreedom and not a mere inability, because we can hold the government

14. Ibid., 75.

15. Shnayderman also presents a critique of Kristjánsson's version of the Moral Responsibility View in Kristjánsson, *Social Freedom*.

16. See Philip Pettit, *A Theory of Freedom: From the Psychology to the Politics of Agency* (Cambridge: Polity, 2001), 12–13.

17. Shnayderman, “Social Freedom, Moral Responsibility, Actions and Omissions,” 730–31.

responsible for not investing resources to make such travel possible (leaving aside questions of technical feasibility here).¹⁸

This is Shnayderman's account:

THE ACT RESPONSIBILITY VIEW: y is an unfreedom-producing constraint on A 's freedom to ϕ , if and only if (i) y impedes A from ϕ -ing and (ii) there is at least one person whose act(s) caused y and who is appropriately considered an object of either blame or praise for his or her act(s).

Rather than a full-fledged critique of Shnayderman's position, I here only explain why I think excluding omissions as possible sources of unfreedom is a mistake. As we will see later, my own account includes both acts and omissions as possible sources of unfreedom.

Consider:

Trapped Boy: a young boy with a speleological interest explores a cave located next to a busy street. A small rock rolls in front of the cave. All the passers-by can see and hear the boy. They could release the boy effortlessly (and they know they could) by simply taking one step to the right off the street onto a panel in the ground. This panel would activate a machine that would remove the rock. No one decides to step onto the panel, and the boy languishes in the cave for weeks.

No human action by another person caused the boy to lose his freedom to walk out of the cave. Because Shnayderman restricts sources of unfreedom to acts, he would have to say the boy is not unfree. Now, compare *Trapped Boy* with:

*Trapped Boy**: everything is as in *Trapped Boy*, except this time a panel is located on the walkway and stepping on that panel will deactivate a machine that would otherwise remove the rock. Passers-by continue walking on their usual paths over the panel and the boy languishes in the cave for weeks.

In *Trapped Boy**, the boy is unable to leave the cave because of an act (rather than an omission as in *Trapped Boy*). According to Shnayderman, he is therefore unfree in *Trapped Boy**.

Shnayderman's verdict in *Trapped Boy* would have to be that the boy is not unfree, which seems counterintuitive. More important, it seems difficult to motivate the different judgments in *Trapped Boy* and *Trapped Boy**. The effort or sacrifice required of passers-by for setting the boy

18. See *ibid.*, 734.

free—they need to step to the side—is the same in both cases. Moreover, the relationship between the boy and the passers-by in both Trapped Boy and Trapped Boy* is such that it strongly affects how freely the boy can live his life. Shnayderman's objective is to bring out that unfreedom, unlike mere inability, is a type of social relation.¹⁹ But it is difficult to see what the difference in terms of social relations between these two cases is and why our theory should track it.

Moreover, our conception of unfreedom should tell us what we should do, other things being equal, if we are concerned with other people's freedom. Shnayderman would say that to not make others unfree, we should step to the side in Trapped Boy* but lack such a reason in Trapped Boy. This prescription seems problematic: both the resulting outcome (i.e., the boy being able to leave the cave) and the actions required to bring it about are very much alike.²⁰

The worry about normative guidance applies to many real-life cases too. Consider people whose medical condition or disabilities prevent them from fully partaking in social life. We might think that apart from noninterference, a concern for their freedom might imply providing assistance. For example, imagine we could provide a very cheap and effective surgery to a person with trachoma—an infection that can lead to blindness if left untreated. Because not providing such a surgery is an omission, Shnayderman would rule it out as a source of unfreedom on conceptual grounds. But it seems odd, I submit, to make such a judgment entirely on conceptual grounds. On the face of it, the situation seems to call for a genuinely normative answer.

III. THE ABILITY VIEW

I now present a new theory. I start by outlining assumptions my view makes about the structural conditions under which a person has the specific freedom to do something. A specific freedom is the freedom to do a specific thing or set of things.²¹ Your freedom to read this article is an example of a specific freedom, but so are more general types of specific freedoms, such as your specific freedom to move around in your neigh-

19. See *ibid.*, 718.

20. Shnayderman can respond that we should step aside in both cases to make the boy more free overall (although our reasons for doing so would be stronger in Trapped Boy* than in Trapped Boy). For this, however, Shnayderman needs to assume a trivalent view of freedom, according to which not being unfree does not imply being free (below I say more on trivalence). Shnayderman himself wishes his account to be neutral with respect to the trivalence/bivalence issue (see *ibid.*, n. 3). Such neutrality, however, would have to be given up for the 'making the boy more free response'.

21. See Carter, *A Measure of Freedom*, chap. 1.

borhood. Specific freedoms are different from overall freedom which is about how much freedom a person has overall. (I will say more about overall freedom in Sec. IV.)

My account relies on what is sometimes labeled ‘positive freedom’. Such a view has recently been rather popular, partly because the capability approach has built a large following. Authors such as Amartya Sen, Phillippe van Parijs, Matthew Kramer, and G. A. Cohen argue that ‘real’ freedom is not only the absence of interference but about what a person is actually able to do.²² To be able to φ —in the technical sense in which I use this expression here—implies having both the internal ability (physical, cognitive, etc.) and the external resources and opportunities (absence of external restraint, monetary resources, etc.) to φ .²³ Being able to φ is considered both a necessary and sufficient condition for being free to φ :

THE ABILITY VIEW OF FREEDOM: A is free to φ , if and only if A is able to φ .²⁴

However, many liberal theories of sociopolitical freedom traditionally assume a different and incompatible view (either explicitly or implicitly). The idea is that out of all obstacles that constrain a person’s abilities, only a subset also affect her freedom. For example, proponents of such a view might hold that I am free to run one hundred meters in under ten seconds, even though physical constraints mean I am unable to. On this view, the absence of proper unfreedom-producing constraints is a necessary and sufficient condition for being free.

THE RESTRAINT VIEW: A is free to φ , if and only if A is not subject to any unfreedom-producing constraints with respect to φ -ing.

The Ability View of Freedom produces different judgments than the Restraint View in two sorts of cases.

22. See, e.g., Amartya Sen, “Well-Being, Agency and Freedom: The Dewey Lectures 1984,” *Journal of Philosophy* 82 (1985): 169–221, “Freedom of Choice: Concept and Content,” *European Economic Review* 32 (1988): 269–94, “Welfare, Preference and Freedom,” *Journal of Econometrics* 50 (1991): 15–29, and *Development as Freedom* (Oxford: Oxford University Press, 1999); Philippe Van Parijs, *Real Freedom for All: What (if Anything) Can Justify Capitalism?* (Oxford: Clarendon, 1997), 20–24; G. A. Cohen, “Freedom and Money,” in *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy* (Princeton, NJ: Princeton University Press, 2011), 196–97; Kramer, *The Quality of Freedom*. Although, as we will see, Kramer’s view differs in important ways from those of the other authors listed.

23. For a discussion of abilities, see John Maier, “Abilities,” in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (Fall 2014), <http://plato.stanford.edu/archives/fall2014/entries/abilities/>.

24. Kramer calls this the ‘F-Postulate’; see Kramer, *The Quality of Freedom*, 3.

First, unlike the Restraint View, the Ability View judges that internal constraints on a person's abilities can by themselves determine whether she is specifically free to do something. For example, the Ability View holds that irremediable physical disabilities constitute a lack of freedom. The Restraint View, on the other hand, would typically hold that such disabilities by themselves do not constitute a lack of freedom but merely a lack of ability.

Second, the two views deal differently with 'external, merely natural' constraints. Consider:

Boulder: I am on a speleological expedition and get trapped in a cave, because a boulder rolls in front of it. No one is there to help, and no one is responsible for the boulder blocking the cave.

Assume the boulder is an external, merely natural constraint and does not count as an unfreedom-producing constraint. On the Restraint View, we would then say that I am in fact free to leave the cave. Accordingly, I am also free to walk around outside the cave, free to go to a dinner party, and so on, because no unfreedom-producing constraint impedes me from doing any of these actions. The Ability View, on the other hand, would say that I am not free to leave the cave, not free to go to a dinner party, and so on. For I lack the ability to do any of these actions. More generally on the Ability View, external, merely natural constraints by themselves affect my freedom.

Henceforth, I assume the Ability View about specific freedom. I think the above considerations—to do with illness, disabilities, and natural external constraints—speak for the Ability View. Intuitively, how freely one can live one's life seems to depend, among other things, on the range of one's abilities, and we should expect a theory of freedom to capture this. I will, however, not give a sufficient and systematic defense of the Ability View here.²⁵ Rather, my aim is to show that, surprisingly, the Ability View holds the key to a plausible distinction between unfreedom and inability.

Note, however, that the Ability View of Freedom does not imply that every constraint on a person's ability also makes her unfree. I follow, at least in a structural sense, Kramer's position on when a person is unfree as opposed to merely unable to do something:

THE ABILITY VIEW OF UNFREEDOM: *A* is unfree to φ , if and only if (i) there is at least one unfreedom-producing constraint on *A*'s free-

25. I do not think this assumption invalidates the value of my constructive proposal in this article. First, competing accounts, such as Miller's or Kristjánsson's, assume the opposite view, i.e., the Restraint View, without defense. Second, others have provided a strong systematic defense of the Ability View, particularly the authors listed in n. 22.

dom to φ and (ii) in the absence of all unfreedom-producing constraints, A would be able to φ .²⁶

Because of condition i, it is not the case that all inability is also considered unfreedom. A view such as Kramer's holds that one can be unfree to φ , only if one is subject to a proper unfreedom-producing constraint with respect to φ -ing. Following Kramer here makes my position trivalent: it allows for three categories, 'free', 'unfree', and 'merely unable'. Being unfree to φ implies that one is not free to φ . However, it is not the case that not being free to φ implies being unfree to φ . There is a third category, being 'merely unable to φ '.

$$\begin{aligned} &\text{Unfree} \rightarrow \neg\text{Free} \\ &\neg(\neg\text{Free} \rightarrow \text{Unfree}). \end{aligned}$$

This idea is called *Trivalence*.²⁷ Combining Trivalence and the Ability View is a departure from both traditional Restraint Views as well as most 'positive freedom' views. On the one hand, it departs from the Restraint View because it holds that all constraints on a person's abilities constitute a lack of freedom. For example, physical disabilities constitute a lack of freedom (in the sense of 'not being free to do something'). On the other hand, my view also departs from most views of positive freedom because I do not hold that all constraints on a person's abilities are ipso facto sources of unfreedom. Mere ability constraints, such as my inability to run one hundred meters in under ten seconds, influence my range of abilities without making me unfree. Similarly, external constraints that are not unfreedom-producing constraints, as in Boulder, for example, affect my freedom without making me unfree. Only proper unfreedom-producing constraints affect a person's range of freedoms and make her unfree.

Condition ii holds that A can only be unfree to φ , if A would be able to φ , if all unfreedom-producing constraints were removed. This condition avoids the counterintuitive implication that if someone makes you unfree to leave your house, she also makes you unfree to jump to the moon, unfree to eat an airplane, and so on. On the Ability View of

26. This formulation is broader than Kramer's U-Postulate, because it does not restrict unfreedom-producing constraints to actions (or dispositions to act). See Kramer, *The Quality of Freedom*, 3; Ronen Shnayderman, "Causal Tests in Subjunctive Judgements about Negative Freedom," *Res Publica* 20 (2014): 183–97.

27. This idea is discussed in J. P. Day, "Threats, Offers, Law, Opinion and Liberty," *American Philosophical Quarterly* 14 (1977): 257–72; defended at length in Kramer, *The Quality of Freedom*; and also endorsed by Philip Pettit, "Keeping Republican Freedom Simple: On a Difference with Quentin Skinner," *Political Theory* 30 (2002): 342–43, and *On the People's Terms: A Republican Theory and Model of Democracy* (Cambridge: Cambridge University Press, 2012), 36.

Unfreedom, one is not made unfree to do these things, as one would not be able to do them in the absence of unfreedom-producing constraints.

I next show how the trivalent Ability View helps us determine which obstacles are mere ability constraints and which ones unfreedom-producing constraints.

IV. THE DISTRIBUTIVE VIEW

The view I defend now seeks a strong systematic separation between questions of freedom and those of unfreedom. First, as explained above, the view assumes that a person's specific freedom to do something is equivalent to her being able to do it (the Ability View). Second, the view accepts Trivalence, according to which not being free does not imply being unfree; there are cases in which a person is neither free nor unfree but merely unable to do something. Third, the view holds that whether someone is unfree as opposed to merely unable to do something is an inherently normative question. More specifically, describing a constraint as making someone unfree as opposed to merely unable expresses a normative concern for how this constraint affects that person's abilities. The view defended here separates descriptive talk about freedom from inherently normative talk about unfreedom:

THE SEPARATION THESIS: One area of freedom talk is nonnormative while the other is inherently normative. The nonnormative sense describes what a person is able to do with her life and is captured by the Ability View of Freedom. The other, normative sense expresses normative concerns about how other people's behavior influences a person's range of abilities. The latter is about situations in which a person is made unfree as opposed to merely unable.

To illustrate, think of cases such as Boulder in which a person is unable to leave a cave because of merely natural external constraints. One perfectly natural way to describe the situation is to say that the person clearly lacks freedom because she is unable to leave the cave. Such a description would be covered by the nonnormative side of freedom talk and the Ability View of Freedom. But if we accept Trivalence and the Separation Thesis, we can say that the person is not made unfree. For, as is assumed in the example, there is no normative concern about how other people's behavior affects her abilities. Therefore, the inherently normative side of freedom talk, which pertains to 'unfreedom', does not apply here. Of course, our verdict would be different had someone lured the person into the cave and then rolled a boulder in front of it. Talking about one person making another unfree would then be apposite, as there is a normative concern about how one person's behavior influences another person's range of abilities.

The Separation Thesis is a rather abstract claim. It does not specify when and on the basis of which normative concern we should label instances of abilities-affecting behavior as sources of unfreedom. In principle, we could plug in different normative theories: we could say that an obstacle is an unfreedom-producing constraint only if the constraint takes away an ability the other person has a right to have, or is best for her to have, or which she should have as a matter of justice, and so on. Accordingly, the Separation Thesis—and thus this part of my overall argument—can be accepted with different normative background pictures.

But now I also want to do more and offer a specific normative proposal to fill in the Separation Thesis. The basic idea of the Distributive View is that the notion of an unfreedom-producing constraint is conceptually linked to social distributions of freedom. This view resonates with the traditional idea that it lies in the nature of freedom as a value in social settings to place reciprocal limits on people's range of possibilities. For example, many theorists suggest that one is not unfree, if one has all the freedoms one would have in a scheme that safeguards the greatest equal freedom for all. Jan Narveson holds: "Proposing to make liberty a right means that we are turning the liberty of each into a constraint on the liberty of others. Only 'compossible' liberty will be supported: liberty that is compatible with the 'like liberty of all'—to use Rawls's earlier words, or, in Kant's terms, 'such that it can coexist along with the freedom of the will of each and all in action, according to a universal law.' Or again, in Hobbes's version, 'that every man be contented with so much liberty against other men, as he would allow other men against himself.'"²⁸

Now, Kant, Rawls, Hobbes, and Narveson each defend very different theories of freedom in general and accounts of 'compossibility' in particular. Moreover, each of these views diverges strongly from the picture suggested here (for a start, none of the authors in the quotation accepts the Ability View, and I am not defending a right to freedom). Nonetheless, I think there is a more abstract, common theme behind these different ideas: namely, that it lies in the nature of freedom as a social value to place 'reciprocal' limits on people's range of options. One is only made unfree on such a picture if one is constrained from having those freedoms one should have in the appropriate social scheme of freedoms. The Distributive View invokes this broad idea when characterizing sources of unfreedom.

More specifically, the Distributive View consists of two conditions. First, an obstacle is an unfreedom-producing constraint and not a mere ability constraint only if it withholds a freedom a person would have

28. Jan Narveson, "The Right to Liberty Is Incompatible with the Right to Equality," in *Are Liberty and Equality Compatible?*, by Jan Narveson and James P. Sterba (Cambridge: Cambridge University Press, 2010), 123–252, 131.

in the ideal distribution of freedom. Because I have assumed the Ability View, freedoms are here equated with abilities. Thus I do not mean a distribution of all relevant goods but only a distribution of freedoms identified as abilities. 'Ideal' refers to the distribution that is best in a moral sense. For example, one popular suggestion would be to say that the best distribution of freedom is the one with greatest equal freedom (more on this below). The second condition is our responsibility condition, and here I am following Shnayderman (who follows Pettit): for a person to be responsible for an unfreedom-producing constraint, she needs to be appropriately considered an object of blame or praise with respect to the act or omission that led to the constraint (remember that I rejected Shnayderman's exclusion of omissions as sources of unfreedom).

Combining the ideal distribution idea and the 'responsibility condition' in our biconditional:

THE DISTRIBUTIVE VIEW: y is an unfreedom-producing constraint on A 's freedom to φ , if and only if (i) y impedes A from φ -ing and (ii) there is at least one person B whose imposition or nonremoval of y or whose failure to prevent y 's creation withholds A 's freedom to φ that A would have in an ideal distribution of freedom and (iii) B is appropriately considered an object of blame or praise with respect to the imposition or nonremoval of y or the failure to prevent y 's creation.

For example, if a person locks you into her basement, she foreseeably removes abilities and thus freedoms you would have in an ideal distribution of freedom. Moreover, she is, let us assume, appropriately considered an object of praise or blame with respect to her acts that led to the constraint. Therefore, you are considered unfree as opposed to merely unable. My inability to recite the first fifty thousand digits of π , on the other hand, is not a source of unfreedom. For it is not an ability I would have in an ideal distribution of abilities. This is the basic idea. Let me explain in more detail its different elements.

A. *The Distribution of What?*

Is it viciously circular to include the distribution of freedom in the definiens of an unfreedom-producing constraint? Not so. Remember I identified specific freedom with ability (the Ability View). From this characterization of specific freedom, we can then move on to a distribution of freedom across persons. From this characterization of the ideal distribution of freedom and together with the 'responsibility condition', we can then move on to characterize unfreedom—no circularity here.

What precisely is our *distribuendum* in this distribution? The *distribuendum* is *individual overall freedom*. Many different measures (and rank-

ings) of overall freedom have recently been proposed. Usually, such theories defend an account of specific freedoms and then aggregate specific freedoms into a measure of overall freedom. A great deal of debate revolves around how precisely that should be done.²⁹ Different approaches are possible in this context. Here I only need to make the assumption that making such comparative judgments about people's overall range of freedoms between persons is possible, which is a relatively widely shared assumption. I do not need to assume a particular measure that gives us very precise numbers.

I am also assuming, quite plausibly, that when comparing distributions of freedom, we focus on somewhat general types of freedom.³⁰ Whether I would have the freedom to play sports in the best distribution of freedom, for example, should not be decided by whether I would have the freedom to play tennis at a particular court at a particular time today.

29. See Hillel Steiner, "How Free: Computing Personal Liberty," *Royal Institute of Philosophy Supplements* 15 (1983): 73–89; Carter, *A Measure of Freedom*; Robert Sugden, "The Metric of Opportunity," *Economics and Philosophy* 14 (1998): 307–37; Martin van Hees, *Legal Reductionism and Freedom* (Dordrecht: Springer, 2012); Kramer, *The Quality of Freedom*, for work in philosophy, and Walter Bossert, Prasanta K. Pattanaik, and Yongsheng Xu, "Ranking Opportunity Sets: An Axiomatic Approach," *Journal of Economic Theory* 63 (1994): 326–45; Walter Bossert, "Opportunity Sets and Individual Well-Being," *Social Choice and Welfare* 14 (1997): 97–112; Marlies Klemisch-Ahlert, "Freedom of Choice: A Comparison of Different Rankings of Opportunity Sets," *Social Choice and Welfare* 10 (1993): 189–207; Prasanta K. Pattanaik and Yongsheng Xu, "On Ranking Opportunity Sets in Terms of Freedom of Choice," *Recherches Économiques de Louvain/Louvain Economic Review* 56 (1990): 383–90, "On Preference and Freedom," *Theory and Decision* 44 (1998): 173–98, and "On Diversity and Freedom of Choice," *Mathematical Social Sciences* 40 (2000): 123–30; Clemens Puppe, "An Axiomatic Approach to 'Preference for Freedom of Choice,'" *Journal of Economic Theory* 68 (1996): 174–99; Klaus Nehring and Clemens Puppe, "On the Multi-preference Approach to Evaluating Opportunities," *Social Choice and Welfare* 16 (1999): 41–63; Sen, "Well-Being, Agency and Freedom," and "Welfare, Preference and Freedom"; Kenneth Arrow, "A Note on Freedom and Flexibility," in *Choice, Welfare, and Development: A Festschrift in Honour of Amartya K. Sen*, ed. Kaushik Basu, Prasanta K. Pattanaik, and Kōtarō Suzumura (Oxford: Clarendon, 1995), 7–16; Martin van Hees, "On the Analysis of Negative Freedom," *Theory and Decision* 45 (1998): 175–97; Martin van Hees, "Freedom of Choice and Diversity of Options: Some Difficulties," *Social Choice and Welfare* 22 (2004): 253–66, for examples of work in economics. One relevant complicating factor will be discussed in Sec. V.B: unlike most economists writing on the topic, Steiner, Carter, and Kramer argue that a person's overall freedom is a function of both her freedoms and her unfreedoms, whereas I am using a measure that excludes unfreedoms at this stage (see n. 54).

30. Carter distinguishes between types and tokens of specific freedom; see Carter, *A Measure of Freedom*, 186. One might object that specific freedoms will always be types and never tokens, as even freedoms with very narrow spatiotemporal specifications might still have to rely on general descriptions. I here remain agnostic on this. All I am assuming is that we are concerned with somewhat general types of freedom rather than freedoms that are very narrowly specified in spatiotemporal terms (be they aptly labeled 'tokens' or 'very narrow types').

Rather, the best distribution will look at types of freedom that cover different ways of doing the same or similar things (such as playing tennis) stretched out over different time periods.

B. The Ideal Distribution

The Distributive View characterizes unfreedom-producing constraints by invoking the ideal distribution of freedom. But which distribution is ideal? Assume a set of distributions of freedom available to a given society. Assume also we have a way of ranking distributions of freedom in this set in terms of betterness. The ideal distribution is then simply the best distribution in the set of available distributions.

The first question is what determines which distributions are available and which ones are not. The basic idea is this. To determine the set of possible worlds which contain the available distributions, we hold constant one set of properties but vary others. The list of properties to hold constant at all times includes obvious factors like the laws of nature, for example. But to determine the set of available distributions at a particular time, we will also hold constant (some part of) our available technology, geographic conditions at that time, and so on. When technology changes over time, the set of available distributions of freedoms will change too. The distributions of freedoms available to a society in the Middle Ages, for example, is different from those available to us. Among the factors we do not hold constant at particular times are those of social organization and individual behavior. The variable factors will include those relative to which agents are appropriately considered objects of praise and blame. The set of available distributions will, for example, include the different distributions of freedom had under different social, economic, and political arrangements.³¹

The second question concerns the betterness ranking of distributions of abilities. I think most would agree that we should not maximize the societal sum of individual freedom (understood as abilities) without taking into account its distribution. For one thing, we might worry that freedom has decreasing marginal value. An additional 'unit' of freedom might matter less, the more freedom one already has. Of course, whether that is the case is still open to debate.³² But another more systematic reason

31. Note two complicating factors. First, certain types of factors will not always fall in the same category. For example, if technology, medicine, or certain public health conditions are the foreseeable result of human actions or omissions, they can be among the set of variable rather than fixed factors. Second, how to flesh out 'availability' will remain somewhat vague here, as a precise answer also depends on where one stands on the ideal/nonideal theory issue.

32. See Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge: Cambridge University Press, 1988); Barry Schwartz, *The Paradox of Choice* (New York: Harper Collins, 2009). Whether these arguments imply that freedom has decreasing marginal value also

against maximizing is a concern for fairness. We might find it unjust or unfair to reduce one person's freedom to a very low level to increase the aggregate freedom of others. Or we might simply believe that those who are worse off should be given priority as a matter of fairness. In fact, most authors assume that we should not maximize the social sum of freedom. As mentioned above, many authors believe that a right to freedom translates into a right to the greatest equal freedom. Different versions of this idea are defended by a broad and diverse range of authors, including Kant, Mill, Hobbes, Rawls, Herbert Spencer, and Richard Norman.³³ Other authors hold that fairness and equality should play some role in how people's claims to freedom are balanced with each other.³⁴ Despite their many disagreements, the above authors all seem to endorse the more abstract idea that equality (or fairness) plays an important role in how we balance people's claims to personal freedom. To translate this abstract idea into the parameters set out by the Ability View, the Distributive View incorporates distributional concerns into our betterness ranking.

However, that equality matters for ranking distributions does not mean that it is the only thing that matters (or that a concern for equality is lexically prior to other concerns). Natural abilities will differ to a great extent, and not all of these inequalities can be offset. Completely equalizing the extent of everyone's freedom would imply implausible leveling down given that I am assuming the Ability View. So, while a plausible ranking involves a concern for fairness and equality, it is also concerned with the overall societal amount of freedom.

Given limited space, I have not tried to present a fully worked-out theory of how to rank distributions of freedom (although I do so else-

depends on more theoretical assumptions, such as the question as to whether and in which sense freedom has nonspecific or intrinsic value; see Carter, *A Measure of Freedom*, chap. 2; and Andreas T. Schmidt, "Why Animals Have an Interest in Freedom," *Historical Social Research* 40 (2015): 92–109.

33. See John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 60, 302; Herbert Spencer, *Social Statics; or, The Conditions Essential to Human Happiness Specified, and the First of Them Developed* (New York: Appleton, 1873), 35; Richard J. Norman, *Free and Equal: A Philosophical Examination of Political Values* (Oxford: Oxford University Press, 1987); Immanuel Kant, *The Metaphysics of Morals*, ed. Mary Gregor (Cambridge: Cambridge University Press, 1996), pt. 1; John Stuart Mill, *On Liberty* (Harmondsworth: Penguin, 1979); Thomas Hobbes, *Leviathan*, ed. C. B. MacPherson (Harmondsworth: Penguin Classics, 1982), chap. 14. Pettit draws on these ideas through his invocation of basic liberties; see Philip Pettit, *Just Freedom: A Moral Compass for a Complex World* (New York: Norton, 2014), chap. 3. Steiner holds that freedom ought to be distributed equally but that it does not make sense to aim for greatest equal freedom because distributions of freedom are always zero-sum affairs; see Steiner, "Individual Liberty," "Capitalism, Justice and Equal Starts," *Social Philosophy and Policy* 5 (1987): 49–71, and *An Essay on Rights* (Oxford: Wiley, 1994). Carter presents strong arguments against Steiner's zero-sum thesis; see Carter, *A Measure of Freedom*, chap. 9.4.

34. See Van Parijs, *Real Freedom for All*.

where) or to dispel all possible disagreement on this matter.³⁵ My aims in this context are more modest: first, to highlight the theoretical relation between unfreedom and distributions of freedom (whatever the correct ranking of such distributions is); second, to provide some aspects of a plausible betterness ranking that yield intuitive judgments in the aforementioned examples and are acceptable to a relatively broad range of views on distributive ethics.³⁶

C. *Withholding*

Next, what do I mean by ‘withholding’? First, ‘withholding’ here covers both acts and omissions. To decide whether person *B* withholds *A*’s freedom does not merely require comparing a specific act of imposing a constraint with the situation in which *B* does not so act. Rather, to establish whether a person *B* makes *A* unfree, we have to consider the whole range of possible actions and omissions available to *B*.

Second, ‘withholding’ is understood broadly such that it avoids problems of overdetermination. If *B* withholds *A*’s freedom to φ , then this does not imply that *A* would not be impeded from φ -ing in the absence of *B*’s withholding. For there could be further unfreedom-producing constraints impeding *A* from φ -ing. We can invoke Mackie’s INUS condition: if *B* withholds *A*’s freedom to φ through obstacle *y*, then *y* is an insufficient but necessary component in an unnecessary but sufficient condition for *A* being impeded from φ -ing.³⁷

D. *Responsibility*

In some cases, someone’s behavior does not make another person unfree on the Distributive View, even though it withholds an ability that person would have in the best available distribution. The reason for this is the ‘responsibility condition’: only constraints for which someone is ap-

35. See Andreas Schmidt, “Freedom and Its Distribution” (DPhil, University of Oxford, 2014).

36. As explained earlier, Miller’s invocation of prima facie obligations (and to a lesser extent negligence) will make his account of freedom and unfreedom subject to disagreements about justice and morality. Normative disagreement is somewhat less problematic for the Distributive View than for Miller: first, normative disagreement here is about how to rank distributions of abilities. We should expect there to be less disagreement on this rather more specific question than on questions of overall social justice. Second, the Distributive View is a trivalent position. Even if we disagree about what the correct ranking is, this only affects judgments about unfreedom but not freedom. On Miller’s bivalent view, on the other hand, normative disagreement affects both freedom and unfreedom (in cases involving omissions and those in which there is disagreement about what counts as ‘negligence’).

37. See John Leslie Mackie, *The Cement of the Universe: A Study of Causation* (Oxford: Clarendon, 1980), chap. 2.

appropriately considered an object of praise or blame can be unfreedom-producing constraints. Let us briefly look at three situations—not meant as a comprehensive list—in which it is appropriate to suspend attributions of responsibility.

First, to be considered an appropriate object of blame and praise, one needs to have *sufficient evidence*:

*Boulder**: I am on a speleological expedition and get trapped in a cave, because a boulder rolls in front of it. The next day a person in a heavy-duty vehicle drives past. The vehicle could be used to remove the rock. But the driver does not have reason to believe that anyone is in the cave and drives past.

The Distributive View judges that the person driving past does not make me unfree. Even though removing the rock would give me many more freedoms, the person's omission is not an unfreedom-producing constraint. For the driver did not have accessible evidence to believe that removing the rock would set me free. We would therefore not consider her an appropriate target of blame or praise with respect to the constraints in this instance. (Because the Distributive View is coupled with a trivalent Ability View, however, we would judge that I am neither free nor unfree to leave the cave; I am merely unable.)

Second, lack of choice can also make it inappropriate to consider someone an object of blame or praise.

Gunman: you have the key to my room. A gunman holds a gun to your head and forces you to close the door and thus entrap me in it for hours.

Although you had sufficient evidence that your act was going to entrap me in my room, the responsibility condition is not met, because you were forced to lock me in. But we would still say that I was made unfree. The Distributive View would hold that it was the gunman who, through his actions, foreseeably withheld a freedom I would have in an ideal distribution of freedom (let us assume he fulfilled all other conditions for responsibility).

Third, the responsibility condition also implies a certain competence with moral concepts and an ability to shape one's conduct in response to perceived moral reasons. In most instances, it seems, for example, that nonhuman animals do not sufficiently grasp the relevant moral concepts in a way that it would make it appropriate for us to hold them responsible.³⁸ Only those persons who are in a position to perceive

38. See Pettit, *Theory of Freedom*, 13.

moral reasons and adjust their behavior in light of them can make us unfree.³⁹

V. ADVANTAGES AND OBJECTIONS

With the details of the Distributive View laid out, let us now discuss arguments for and against it. Let me start with the advantages.

A. *Advantages*

1. *Examples.*—One advantage is that the Distributive View gives us intuitive judgments in the aforementioned examples. Moreover, it provides plausible explanations for these judgments and gives us a neat framework to talk more clearly about freedom and unfreedom.

First, the Distributive View gives us *prima facie* plausible judgments and explanations in cases in which an obstacle seems to make someone unable but not unfree. The Distributive View is not too wide. I have already explained how the Distributive View would deal with Boulder*. Let us now return to earlier examples. Am I made unfree to live in a golden castle? The answer is no, because I would not have this freedom in an ideal distribution of freedom. To accommodate me with the ability to live in a golden castle would require pooling too many resources and thereby deprive other people of too many (and more valuable) freedoms. Am I unfree to run one hundred meters in under 10 seconds? No, because I would quite likely not have this freedom in an ideal distribution of freedom (although the case might be different for Usain Bolt). In Roaming, I am unable as opposed to unfree. For Roman builders are not appropriately considered objects of blame or praise with respect to the leaf being deflected from the coliseum.

Second, the Distributive View is not too narrow. It gives us intuitive results in cases in which constraints seemed like genuine sources of unfreedom. Remember that the Distributive View includes omissions as possible sources of unfreedom. In Closed Door, I am considered unfree as opposed to merely unable. For the janitor could have easily discharged his duty and had sufficient evidence that doing so would have made available a type of freedom I would have in an ideal distribution. In both Trapped Boy and Trapped Boy*, the boy is considered unfree. The people passing by foreseeably withhold freedoms the boy would have in an ideal distribution of freedom. In Trapped Boy they do so through an omission, in Trapped Boy* through an act. I think the Dis-

39. See *ibid.*, 19. I am not committed to the claim that it is necessarily and always inappropriate to hold such reactive attitudes toward nonhuman animals. But it will usually be so. And, as always, there will be other marginal cases, e.g., those involving very young children, persons with strong cognitive disabilities, etc.

tributive View also gives us a plausible framework to evaluate cases involving health and disability. Remember our earlier example. Does a concern for freedom require that we provide a cost-effective surgery to a person with trachoma, if doing so would prevent blindness? The Distributive View would hold that providing such a surgery enables the person to have abilities—through eyesight—she would have in an ideal distribution of freedom. Therefore, not providing such a surgery is a source of unfreedom.

However, my argument for the Distributive View does not rest solely on intuitions (these will remain somewhat contentious in any case). It also has important systematic advantages, as I discuss now.

2. *Unfreedom and justification.*—The Distributive View explains in which sense unfreedom-producing constraints typically call for a justification in a way that mere ability constraints do not. As Miller writes: “When we say of an obstacle that it renders a person unfree to act, we make a charge that stands in need of rebuttal. Reasons have to be given for the continued presence of the obstacle.”⁴⁰ There are two reasons why the Distributive View accounts very well for the connection between unfreedom and justification.⁴¹

First, because of the responsibility clause, only those agents can make others unfree who are appropriately considered objects of blame or praise. And only of those agents is it usually appropriate to request a justification.⁴²

Second, there is good reason, at least *pro tanto* and *prima facie*, to care about the best available distribution of freedom. If someone withholds a freedom I would have in the ideal distribution of freedom, then such withholding stands in need of justification, because it is usually good (at least *pro tanto* and *prima facie*) to have such freedoms. That unfreedom-producing constraints usually require a justification is of course compatible with there often being a good justification for them. For there are other values apart from freedom. We sometimes have to balance a concern for freedom with other normative ideals such as happiness, security, or desert.⁴³

40. Miller, “Constraints on Freedom,” 69.

41. Unlike Kristjánsson, *Social Freedom*, I merely claim that imposing an unfreedom usually requires a justification, not that unfreedom can be defined in terms of a need to provide a justification.

42. Also see Pettit, *Theory of Freedom*, on ‘discursive control’.

43. There are further types of justification. First, I assume neither that freedom is intrinsically valuable nor that more of it is always better all things considered. We can allow that freedom might be merely instrumentally valuable or even that there are disabling conditions for freedom’s (intrinsic or instrumental) value in the sense of holism about reasons; see Jonathan Dancy, *Ethics without Principles* (Oxford: Clarendon, 2006); Pekka Väyrynen, “Moral Generalism: Enjoy in Moderation,” *Ethics* 116 (2006): 707–41. Second, in

3. *Abilities and social relations.*—An important advantage of the Distributive View is that it combines two compelling yet seemingly incompatible aspects of freedom. On the one hand, it invokes the widespread idea that real freedom is about having abilities, about what people are actually able to do with their lives. On the other hand, it accounts for the idea that interpersonally imposed constraints on freedom are normatively more significant than impersonal ones. The Distributive View—better than any other theory I know—combines these two perspectives. We care more about unfreedom than inability, because we care about freedom and its distribution. The social relations instantiated in unfreedom-producing constraints matter precisely because they affect people's abilities. Rather than relying on a vague idea of 'freedom as a social relation', the Distributive View thus gives us a good explanation as to why such unfreedom-producing constraints matter—an explanation that is internal to a normative concern about freedom and its distribution between persons. The Distributive View is thus more unified and theoretically deeper than other accounts currently on offer.

To better appreciate this explanation, consider one of Pettit's objections to liberal theories of freedom. Pettit distinguishes between theories of option freedom (i.e., theories about the range of people's options) and theories of status freedom. He argues that many liberal theories of option freedom lack motivation for placing so much value on the distinction between unfreedom and inability: "If we are interested in the option-freedom that someone enjoys, then it should be clear that the source of the external influences on that freedom is of no relevance. Take any influence that affects the number of options available to a person, . . . the fact that this stems from an interpersonal rather than an impersonal cause is neither here nor there from the point of view of how their option-freedom fares."⁴⁴ If we care about a person's range of options, why should we care so much, as liberal theorists typically do, about whether a constraint has an interpersonal rather than impersonal source?

In a similar spirit, Cohen holds that it is clear that a person's abilities matter for how free a person is to lead her life. Cohen favors a 'positive' view of freedom and is very critical of the distinction between inability

some nonideal situations, we might have sufficient reason to withhold a person's freedoms she would have in an ideal distribution of freedom, if doing so is necessary to prevent her from instigating further unfreedom-producing constraints. For example, a concern for freedom might require restricting an illiberal agitator's freedom of speech in a crisis situation.

44. Philip Pettit, "Agency-Freedom and Option-Freedom," *Journal of Theoretical Politics* 15 (2003): 387–403, 393.

and unfreedom. Such a distinction, Cohen holds, is a “right-wing myth” and rides “roughshod over what appear to me banal truths.”⁴⁵

Pettit’s and Cohen’s worries are of course not full-blown arguments but rather challenges for those that think the distinction between unfreedom and inability is important. Negative freedom theorists typically respond that this distinction is important for any plausible account of social freedom. Freedom is a relation between persons, and the distinction between unfreedom and mere inability brings out freedom’s inherently social nature.⁴⁶ Moreover, such a distinction is reflected in the way we often talk about freedom and unfreedom, as various examples discussed in this article suggest.

Now, in contrast to the answer provided by the authors listed above, the answer given by the Distributive View is more likely to resonate with positive freedom theorists. Because we have assumed Trivalence, our theory of freedom is exclusively about a person’s abilities. The sources of constraints are neither here nor there. This accounts for both Pettit’s and Cohen’s worry: when we are concerned with a person’s freedom, it seems obvious we should be concerned with a person’s abilities and not focus exclusively on interpersonally imposed constraints. At the same time, however, our account of unfreedom explains why (certain types of) interpersonal causes of inability seem normatively more important than impersonal ones. According to the Distributive View, we care more about unfreedom than mere inability, because we care about acts that stand in the way of good distributions of abilities. This explanation foregrounds freedom as ability, which is precisely what positive freedom theorists care about. Therefore, this explanation is more continuous with positive freedom views than that traditionally provided by negative freedom theorists.

B. Objections

Let us now discuss three objections.

1. *Moralized.*—Cohen has made a convincing case against moralized theories of freedom.⁴⁷ Cohen’s prime targets hereby are libertarians such as Robert Nozick. Because such theories define freedom in terms

45. Cohen, “Freedom and Money,” 196–97.

46. See Steiner, “How Free,” 75–76, and *An Essay on Rights*, 43–44; Shnayderman, “Social Freedom, Moral Responsibility, Actions and Omissions”; Miller, “Constraints on Freedom,” 69–70; Carter, *A Measure of Freedom*, 172–73; Kristjánsson, *Social Freedom*, 10–13; Kramer, *The Quality of Freedom*, 359–68.

47. See G. A. Cohen, “Illusions about Private Property and Freedom,” in *Issues in Marxist Philosophy*, ed. John Mepham and David Ruben (Brighton: Harvester, 1981), 4:223–42, and *Self-Ownership, Freedom, and Equality* (Cambridge: Cambridge University Press, 1995), chaps. 2–4.

of moral rights, Cohen objects that freedom is not doing any independent justificatory work. Ian Carter generalizes Cohen's critique: "By 'moralizing' the notion of freedom—by making the meaning of freedom depend wholly on that of another good—one indeed disposes completely of the need to talk about freedom in any literal sense. Freedom 'falls out of the picture': it gets sacrificed as an ideal, and then defined in terms of another ideal merely to conceal the fact."⁴⁸ In one sense, the Distributive View is a moralized view, because it accepts the Separation Thesis: unfreedom is inherently normative, because it makes reference to an ideal distribution of freedom. However, the Distributive View is not moralized in a problematic sense, because the objections Cohen and Carter raise to previous moralized views do not apply to the Distributive View.

First, unlike bivalent views of freedom, the Separation Thesis only moralizes unfreedom but keeps freedom a nonmoralized concept. Because the Distributive View assumes the Ability View of Freedom, it does not define freedom in terms of another value. Therefore, freedom does not 'fall out of the picture' on the Distributive View; freedom still does independent justificatory work.

Second, the Distributive View characterizes unfreedom through the best available distribution of freedom. A concern for the best available distribution means that unfreedom-producing constraints stand in need of justification. But it does not imply that they are necessarily unjust or wrong all things considered. The Distributive View moralizes freedom in a much less drastic way than traditional moralized views—such as Nozick's—which held that making someone unfree is wrong, all things considered. Moreover, on the Distributive View, talking about unfreedom expresses a normative concern about freedom itself rather than other values such as moral rights or justice. Therefore, the Distributive View does not share the problematic features had by previous moralized views and is thus not open to the same objections.

2. *Imprisonment and intentions.*—Some theorists—particularly liberals—hold that imprisonment, even if justified, should always qualify as a source of unfreedom (although other notable theorists disagree).⁴⁹ Now, imagine cases in which imprisonment is necessary to safeguard the best available distribution of freedom. In such cases, it seems the Dis-

48. Carter, *A Measure of Freedom*, 71. The quotation in this quotation is from G. A. Cohen, *History, Labour, and Freedom: Themes from Marx* (Oxford: Clarendon, 1988), 296.

49. See Hayek, *The Constitution of Liberty*; Narveson, "The Right to Liberty Is Incompatible with the Right to Equality"; Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997); Kant, *The Metaphysics of Morals*, sec. 6:321. Although there are different interpretations of Kant's views on punishment; see Arthur Ripstein, *Force and Freedom: Kant's Legal and Political Philosophy* (Cambridge, MA: Harvard University Press, 2010), chap. 10.

tributive View would have to say that imprisonment is not a source of unfreedom. Is the Distributive View in trouble?

The Distributive View plausibly deals with imprisonment. Remember that the Distributive View accepts the Ability View and Trivalence. Accordingly, whenever an obstacle affects a person's range of abilities, it affects her freedom. Incarceration always affects a person's range of abilities. Therefore, the Distributive View will hold that imprisonment always drastically reduces a person's freedom—no matter how just individual instances of imprisonment might be.

But the Distributive View will also judge that imprisonment nearly always makes prisoners unfree. First, remember that we rank distributions of freedom in terms of betterness without considering desert or retributive justice. Therefore, even if instances of imprisonment are deserved, this does not mean that imprisonment will be part of the best distribution of freedom.

Second, nearly all actual instances of imprisonment will be absent in the best distribution of freedom. Imprisonment usually leads to a worse distribution of freedom by resulting in either less freedom overall or a much more unequal distribution of freedom. Therefore, a concern for the best distribution of freedom gives us good reason to keep prison rates as low as possible. Moreover, for cases that are absolutely necessary, alternatives to the current harsh system of incarceration might result in greater and more equally distributed freedom. For example, we might opt for shorter sentences, allow prisoners a much broader range of freedoms, and orient our criminal justice system more toward rehabilitation.

Now, an objector might respond that while the Distributive View has a plausible account of imprisonment, it still has a more fundamental problem. Imprisonment is just one example of an intentionally imposed constraint. Intentional constraints, the objection would go, should necessarily be considered unfreedom-producing constraints. Shnayderman, for example, holds that "one . . . [clear-cut] intuition says that a person who is intentionally being physically prevented by another person from *x*ing is unfree to *x*."⁵⁰ If Shnayderman is right, the Distributive View has a problem: it allows for intentional obstacles that do not qualify as unfreedom-producing constraints.

However, I do not think that the intuition described by Shnayderman really is clear-cut. Consider:

Kidnapper: you have reliable information that a kidnapper is on his way to your house to abduct you and your family. You close the door to make sure he does not get into your house. Doing so prevents the

50. Shnayderman, "Social Freedom, Moral Responsibility, Actions and Omissions," 719.

kidnapper from removing abilities you and your family would have in the best available distribution of abilities.

The Distributive View holds that you do not make the kidnapper unfree by closing your door. First, my intuition in Kidnapper, and that of at least some theorists, is that this judgment is right; you do not make the kidnapper unfree.⁵¹ Second, once we accept Trivalence, countervailing intuitions in cases such as Kidnapper should carry much less weight anyway. On the Distributive View, intentional obstacles to people's abilities will always affect their freedom. Closing the door reduces the kidnapper's freedom, because you have removed his ability to come into your house and kidnap your family. This judgment is sufficient, I submit, to account for the intuition that closing the door negatively affects the kidnapper's freedom. I do not see why we also need to say that the kidnapper is made unfree.

3. *Circularity.*—The Distributive View ranks distributions of freedom by looking at people's abilities in these distributions. However, authors such as Steiner, Carter, and Kramer argue that an account of a person's overall freedom needs to include both a person's freedoms and her unfreedoms.⁵² They assume:

U-Inclusion: any adequate measure of a person's overall freedom needs to take account of both a person's freedoms and unfreedoms.

U-Inclusion is relevant in cases such as:

Technology: at time t , person C has twenty freedoms. Person A and B each have ten freedoms at t , because they have a disability that is irremediable at t . At $t + 1$, a new medical technology is available that could give A and B their full range of abilities such that they would have twenty freedoms each. However, at $t + 1$, C actively locks this technology away from A and B such that they continue to have just ten freedoms each.

Because they assume U-Inclusion, Steiner, Carter, and Kramer would presumably judge that A and B are less free overall at $t + 1$ than at t , because they are subject to unfreedoms to which they were not subject before. More generally, as Steiner writes: "For while it is undoubtedly true that the average member of an advanced society is able to do, and unrestrained from doing, many more actions than his counterparts in less advanced

51. Theorists who would agree include libertarians, Kant as well as republicans like Pettit. We might interpret Kant in this case as holding that the 'hindering of a hindrance to freedom' can itself be consistent with freedom; see Kant, *The Metaphysics of Morals*, sec. 6:231.

52. See Steiner, "How Free"; Carter, *A Measure of Freedom*; Kramer, *The Quality of Freedom*. Thanks to an anonymous reviewer for pressing me on this point.

societies, it is equally true that he is . . . restrained from doing, many more actions than they. That is, there are many more actions which he is *unfree* to do. Simply to ignore them in estimating the extent of a person's liberty, is to misconstrue the object of such an exercise."⁵³

But now the Distributive View seems to face a dilemma. Either it rejects U-Inclusion and holds that a person's overall freedom is exclusively a function of a person's freedoms (as, e.g., Cohen did). This, however, would require independent arguments against U-Inclusion. Or we would have to show that the Distributive View does not reject U-Inclusion in principle and that a ranking of freedom does take account of unfreedoms. However, then it would seem problematically circular. On the Distributive View, we rank distributions of freedom to find out what unfreedoms are. But if we include unfreedoms in our rankings, we seem to end up with a circular account of unfreedom.

However, the Distributive View is not circular and thus escapes this dilemma. Consider Technology again. We assume that at t , only one distribution of abilities is available, namely, D_1 . The Distributive View would judge that A and B are not subject to unfreedom-producing constraints in D_1 , because no better distribution of abilities is available.

At t	D_1
Abilities of A	10
Abilities of B	10
Abilities of C	20

However, the situation changes at $t + 1$. Because of the new medical technology, two distributions, D_2 and D_2^* , are now available. In D_2 , C actively withholds the relevant technology from A and B . In D_2^* , C does not withhold the relevant technology, and A and B have more freedoms accordingly.

At $t + 1$	D_2	D_2^*
Abilities of A	10	20
Abilities of B	10	20
Abilities of C	20	20

According to the Distributive View, A and B are subject to unfreedom-producing constraints in D_2 but not in D_1 . For at $t + 1$, there is now an

53. Steiner, "How Free," 76.

available distribution, D_2^* , in which they would have more abilities and which is thus the best available distribution at $t + 1$. But this means that the situation in D_2 is different in terms of unfreedom than the situation in D_1 : A and B are subject to more unfreedoms in D_2 than they are in D_1 . So, the Distributive View allows comparing situations in terms of freedom and unfreedom without having to resort to a previously defined notion of unfreedom.⁵⁴

VI. CONCLUSION

I started this article by asking what distinguishes obstacles that make a person unfree from those that make her merely unable. After outlining some of the shortcomings of existing proposals, I argued for a new proposal that started with the Separation Thesis: nonnormative talk about what a person is free to do should be distinguished from inherently normative talk about unfreedom. To fill in the normative sense that characterizes unfreedom, I then laid out the Distributive View: a constraint y makes a person A unfree to ϕ , if and only if there is another person who is responsible for y , y impedes A from ϕ -ing, and A would have the ability to ϕ in the best available distribution of abilities.

I argued that the Distributive View has important advantages over existing proposals. Moreover, it reconciles two compelling yet seemingly incompatible beliefs about freedom. On the one hand, many theorists these days adopt a positive view of freedom, according to which real

54. Here are two finer points regarding my account of Technology. First, while the Distributive View reaches the same ordinary ranking in Technology as Steiner, Carter, and Kramer, it does not do so in all possible cases. (In any case, Steiner, Carter, and Kramer also disagree among themselves.) My aim was to show that the Distributive View accounts for U-Inclusion in a noncircular way, not that it always results in the same judgments as Steiner, Carter, and Kramer. Second, I have mainly talked about specific freedom and unfreedom in this article. But the Distributive View will also have implications for debates about overall freedom—as is evident in Technology. Elsewhere I argue that we should apply the Separation Thesis to overall freedom too and distinguish between (overall) Choice Freedom and Normative Freedom; see Schmidt, “Freedom and Its Distribution.” Choice Freedom is a descriptive concept and concerned exclusively with a person’s overall range of abilities. Accordingly, measures of Choice Freedom do not include unfreedoms. Measures of Normative Freedom, on the other hand, do include unfreedoms. These measures thus also provide normatively important information about how much of a person’s options are being constrained by other persons. Choice Freedom resonates more with economists working on measures of overall freedom, whereas Normative Freedom resonates more with negative freedom theorists in philosophy, such as Steiner, Carter, and Kramer. The Distributive View implies that both concepts are relevant and provides a plausible connection between the two: focusing exclusively on people’s abilities, it starts with a ranking of possible distributions of Choice Freedom. In a next step, it then uses these rankings to determine what unfreedoms people are subject to. These unfreedoms will then be invoked to ground judgments about how free these persons are in the sense of Normative Freedom.

freedom is not just the absence of interference but about what people are actually able to do with their lives. Ill health, disabilities, lack of resources, inhospitable geographic conditions, and so on, all affect a person's freedom. Negative freedom theorists, on the other hand, insist that freedom is an inherently social ideal and that philosophical theories should reflect this by distinguishing between unfreedom and mere inability. The Distributive View brings these ideas together: it relies on—and lends support to—positive views of freedom while also bringing out in which sense unfreedoms are normatively more important than mere inabilities.